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PROGRAM MEMO

TO: Area Agency on Aging Directors
and Long-Term Care Ombudsman
Programs

NO: 22-13

DATE ISSUED: July 1, 2022

EXPIRES: N/A

PROGRAMS AFFECTED:
Long-Term Care Ombudsman Program

SUPERSEDES: N/A

SUBJECT: Training Requirements for Long-Term Care Ombudsman
Representative Certification

Purpose

This Program Memo provides guidance on the training requirements for California Long-Term Care Ombudsman Representative certification.

Background

The Long-Term Care Ombudsman Program (Program) promotes and protects the health, safety, welfare, and rights of individuals living in long-term care (LTC) facilities. In order to meet this mandate, representatives of the Office of the State Long-Term Care Ombudsman (OSLTCO) must have subject matter knowledge of resident rights, facility regulatory standards, the resident experience, complaint investigation, and the Program's policies and procedures. Representatives must further be able to operationalize that knowledge.

Federal and state law alike impose requirements and standards on the certification of representatives for the OSLTCO.

The Older Americans Act (OAA) requires the Director of the OSLTCO to establish standards applicable to the training required for the representatives of the Office of the Ombudsman. (See 42 U.S.C. § 3011.) Federal law further requires the State Long-Term Care Ombudsman (Ombudsman) to

provide training for OSLTCO representatives. (See 42 U.S.C. § 3058g.) This includes establishing policies, procedures, and standards for the administration of the Program, and training for certification and continuing education of OSLTCO representatives. (See 45 C.F.R. § 1324.13.)

In addition to these federal requirements, state law requires the OSLTCO to ensure that a representative receives a minimum of 36 hours of approved training prior to certification and obtains successful background clearance screenings by both the California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) and has received a minimum of 36 hours of approved training prior to certification. (Cal. Welf. & Inst. Code § 9719.)

Taking into consideration the mandates imposed, in November 2019, the Administration for Community Living released the *Long-Term Care Ombudsman Program Training Standards* (Training Standards), which outlines the intent of training, curriculum content, and recommendations developed to fulfill the OAA's training requirements for the OSLTCO.

Similarly, in January 2022, the National Ombudsman Resource Center (NORC) released the *Initial Certification Training Curriculum* for State LTC Ombudsman Programs, which is a curriculum for initial certification training based on requirements in the Training Standards.

The OSLTCO issues this Program Memo to provide further guidance for Programs on mandatory certification training.

Training Curriculum

The NORC *Initial Certification Training Curriculum* includes California-specific information and is approved for use in the initial certification process contemplated in Welfare & Institutions Code section 9719. There are 12 California Certification Training Modules, each developed with adult learning principles in mind and designed to address equity and modernization. The modules include individual and group activities, case studies, videos, and homework. The training materials include:

- Trainer's guide;
- Trainee manual;
- PowerPoint Presentation; and
- Additional resources, such as a glossary of key words and links for training videos noted in the curriculum.

Trainers are required to present all 12 modules in their entirety and in sequential order.

Training Modules and Hours

The 12 modules equal 36 training hours which meet the State's required training and certification standards. Training Modules include:

Module	Title	Duration
Module 1:	Long-Term Care Ombudsman Program Roles, Responsibilities, and Authorities	Approx. 4 hrs.
Module 2:	The Resident and the Resident Experience	Approx. 3.5 hrs.
Module 3:	Putting the Resident First	Approx. 4 hrs.
Module 4:	Long-Term Care Settings, Residents' Rights, and Enforcement	Approx. 3.5 hrs.
Module 5:	Access & Communication	Approx. 3 hrs.
Module 6:	Facility Visits	Approx. 1.5 hrs.
Module 7:	Long-Term Care Ombudsman Program Complaint Processing: Intake and investigation	Approx. 4 hrs.
Module 8:	Long-Term Care Ombudsman Program Complaint Processing – Analysis, Planning, Implementation, and Resolution	Approx. 4 hrs.
Module 9:	Challenging Complaints and Referral Agencies	Approx. 3 hrs.
Module 10:	Documentation	Approx. 3 hrs.
Module 11:	Cultural Competencies	Approx. 2 hrs.
Module 12:	Advance Health Care Directives and Property Transfers	Approx. 2 hrs.

Certification Requirements

To be eligible for certification as a LTC Ombudsman Representative, the trainee must:

- Be at least 18 years of age;
- Be free from real or perceived conflicts of interest;
- Complete 36 hours of OSLTCO-approved certification training;
- Complete 10 hours of internship, or a minimum number of supervised facility visits, as determined by the local LTCOP coordinator;

- Submit the Application for Long-Term Care Ombudsman Certification (OSLTCO S002);
- Sign a Requirement for Criminal Background Clearance (OSLTCO S003);
- Be fingerprinted and pass DOJ and FBI criminal record background clearance screenings;
- Sign a Pledge of Confidentiality for Long-Term Care Ombudsman Trainees/Representatives (OSLTCO S006) annually, acknowledging a clear understanding of Ombudsman confidentiality requirements;
- Sign a Conflict of Interest Statement (OSLTCO S009) annually, acknowledging that there is no known conflict of interest that interferes with the Ombudsman representative's performance of duties;
- Sign the Long-Term Care Ombudsman Code of Ethics (OSLTCO S013) annually;
- Sign a Statement Acknowledging Requirement to Report Suspected Abuse of Dependent Adults and Elders (SOC 341A);
- Complete the California Department of Aging security awareness training upon initial certification and annually; and
- Complete 18 hours of additional approved training each year.

Data Entry

Training hours completed for initial certification and annual recertification must be recorded according to the National Ombudsman Reporting System (NORS) requirements within the Ombudsman Data Integration Network (ODIN) database. The number of trainees is recorded from the perspective of the trainer by using the NORS activity code "Certification Trainee Count." Training sessions completed are recorded using the activity code "Training completed by Ombudsman Staff and Volunteers." See NORS training materials for additional information.

Training hours will be used by the OSLTCO to validate a trainee or Program representative's eligibility for certification and recertification.

Before Conducting Initial Certification Training Notify OSLTCO

Prior to conducting an initial certification training, notify the OSLTCO by sending an email to: StateOmb@aging.ca.gov. The subject line of the email should read: PSA (insert number) LTCO Ombudsman Certification Training Scheduled. In the body of the email, provide dates and times of the training,

format/delivery method with a link if applicable, and indicate whether other program trainees may attend. The purpose for this notification is so that OSLTCO staff can monitor how the training is being conducted and that it meets the State standards.

Reminders

Prior to witnessing the signing of an Advance Healthcare Directive (AHCD) or a property transfer for a resident, a certified Ombudsman representative must:

- Complete two hours of the specialized training (Module 12);
- Shadow an experienced Ombudsman representative at least once (preferably three times) during a witnessing; and
- Be registered by the OSLTCO as a qualified witness.

Inquiries

The OSLTCO is committed to making sure that the Programs have standardized, uniform and quality training. For questions or inquiries, please contact your assigned Analyst.

A handwritten signature in cursive script, reading "Blanca E. Castro".

Blanca E. Castro
State Long-Term Care Ombudsman